

**LEGAL ACTION REPORT
TUCSON POLICE AND FIRE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS
MEETING OF TUESDAY, MARCH 9, 2010
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM
FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ
9:01 A.M.**

Ms. Pickens called the Police and Fire Board Meeting to order at 9:01 a.m.

1. ROLL CALL

Police Board Members:

Robert Walkup	- Chair	Absent/Excused
Marion Pickens	- Member	
Curry Hale	- Member	Absent/Excused
Mike Gurr	- Member	
J. D. Kragnes	- Member	

1. ROLL CALL

Fire Board Members:

Robert Walkup	- Chair	Absent/Excused
Marion Pickens	- Member	
Curry Hale	- Member	Absent/Excused
Roger Tamietti	- Member	
Brian Delfs	- Member	

2. POLICE CONSENT AGENDA: ITEMS A – G

A. MINUTES FOR APPROVAL – 02/09/10

B. PENSION PAYROLL – Addition of Normal Service Retirement for John DeConcini out of DROP in the amount of \$3,765.06. Addition of Normal Service Retirement for Mark Nisbet amount pending. Addition of Normal Service Retirement for James Williamson out of DROP in the amount of \$3,327.65.

- C. **NORMAL SERVICE RETIREMENT**
 John DeConcini – Last day worked 02/26/10 – Pension effective 03/01/10
 Mark Nisbet – Last day worked 02/18/10 – Pension effective 03/01/10
 James Williamson – Last day worked 02/02/10 – Pension effective 03/01/10
- D. **DEFERRED RETIREMENT OPTION PLAN**
 Jeffrey Couch - Election to participate in the DROP 02/26/10
 Frank Perolla – Election to participate in the DROP 02/28/10
 Doug Reid – Election to participate in the DROP 02/04/10
 Eugene Walker – Election to participate in the DROP 02/28/10
- E. **TRANSFER OF PRIOR SERVICE**
 Kevin Florey – Redemption of prior service with Park Forest Police
 4.786 years in the amount of \$74,483
 Misti Radcliff – Transfer of service from Chandler Police to Tucson Police
 0.1369 years in the amount of \$548.24
 Aninna Thornburg – Lateral Transfer from PSPRS/Arizona Game and Fish on
 04/23/09 for 3.4360 years in the amount of \$10,960.97 and redemption of prior
 service with the Arizona State Retirement System 1.583 years of service in the
 amount of \$9,934.62
- F. **EXPENDITURE STATEMENT IN THE AMOUNT OF \$400.00 FOR AN
SECOND PHYSICAL for Patricia Tersey (\$400.00) by Dr. Dennis Thrasher at
Sunnyside Medcenter.**
- G. **RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY**

MOTION by Mr. Kragnes seconded by Mr. Gurr, that Police Board Items A – G are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Walkup and Mr. Hale absent/excused).

3. FIRE CONSENT AGENDA: ITEMS A – E

- A. **MINUTES FOR APPROVAL – 02/09/10**
- B. **PENSION PAYROLL – No Change**
- C. **DEFERRED RETIREMENT OPTION PLAN**
 Frank Shumaker – Election to participate in the DROP 02/28/10
 David Taylor – Election to participate in the DROP 02/28/10

D. TRANSFER OF PRIOR SERVICE

Nicholas Ranney – Transfer of service from Drexel Heights to Tucson Fire
5.9192 years in the amount of \$19,774.06

Jesse Yescas – Transfer of service from Drexel Heights to Tucson Fire
3.4497 years in the amount of \$10,923.77

E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Tamietti, seconded by Mr. Delfs that Fire Board Items A – E are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Walkup and Mr. Hale absent/excused).

4. **APPLICATION FOR DISABILITY PENSION EXECUTIVE SESSION -
Discussion or consideration of records exempt by law from public inspection
A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney
staff A.R.S. 38-431.03 (A [3 & 4])**

Fire – Attachments

Randall Hnyda

There was no executive session

Police – Attachments

Rene Gomez

There was no executive session

5. **APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session**

Fire

Randall Hnyda

MOTION by Mr. Tamietti, seconded by Mr. Delfs after review of the medical evidence to request that Randall Hnyda go to the Board Physician for a physical examination to determine if he is eligible for a Permanent Accidental Disability Retirement. Motion **CARRIED** unanimously.

Police

Rene Gomez

MOTION by Mr. Kragnes, seconded by Mr. Gurr after review of the medical evidence to request that Rene Gomez go to the Board Physician for a physical examination to determine if he is eligible for a Permanent Accidental Disability Retirement. Motion **CARRIED** unanimously.

6. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Virgil Judd: DOH: 09/18/94 DOR: 04/28/00 LAST PHY: 04/16/08*
Kyle Kohlmeyer: DOH: 03/13/98 DOR: 04/29/09 LAST PHY: 04/01/09
Mariam Law: DOH: 07/16/90 DOR: 05/29/98 LAST PHY: 3/17/08
Richard Law: DOH: 02/05/90 DOR: 04/19/07 LAST PHY: 04/08/09
Arthur Soto: DOH: 06/15/92 DOR: 02/26/99 LAST PHY: 3/26/09
Bret Summers: DOH: 07/02/00 DOR: 04/28/05 LAST PHY: 03/25/09

There was no executive session.

7. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL Board Direction Regarding Executive Session**

Police

Virgil Judd
Kyle Kohlmeyer
Mariam Law
Richard Law
Arthur Soto
Bret Summers

MOTION by Mr. Kragnes, seconded by Mr. Gurr in keeping with board policy to take a physical every other year that Kyle Kohlmeyer, Richard Law, Arthur Soto and Bret Summers are in compliance and do not have to take a physical this year.

However, the board will review their cases again next year for consideration. Also that Virgil Judd and Mariam Law are requested to take a physical with the Board Physician, Dr. Dennis Thrasher to determine if they are still eligible for a Permanent Accidental Disability Pension. Motion **CARRIED** unanimously.

**8. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law
from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal
advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police

Richard Douglas – Appoint March 3, 2010
Dennis Widener - Attachment

There was no executive session.

**9. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

Richard Douglas

MOTION by Mr. Kragnes, seconded by Mr. Gurr that based on the letters from Dr. Dennis Thrasher dated 03/03/10; Mr. Richard Douglas is no longer disabled. Board staff is directed to send correspondence to the Police Department notifying them of such and request the City of Tucson consider offering employment to Mr. Douglas who continues to be eligible for a Permanent Accidental Disability benefit until an offer of employment is made. In addition, Board Staff should also notify P.S.P.R.S. of Mr. Douglas' current status and request they notify the Tucson Board if Mr. Douglas accepts employment with any other Public Safety Employer in the state. Motion **CARRIED** unanimously.

Dennis Widener

MOTION by Mr. Kragnes, seconded by Mr. Gurr that Dennis Widener has complied with Rule 17. There is sufficient evidence that he continues to be eligible for a Permanent Accidental Disability benefit based on the letter from Dr. Dennis Thrasher dated 02/25/10. Motion **CARRIED** unanimously.

10. REQUEST FOR RETIREE LABELS

Police and Fire

MOTION by Mr. Gurr, seconded by Mr. Kragnes, to allow the City Managers office use of the retiree's labels. Motion **CARRIED** unanimously.

MOTION by Mr. Tamietti, seconded by Mr. Delfs, to allow the city managers office use of the retiree's labels. Motion **CARRIED** by a voice vote of 2-1.

11. LEGISLATION

Police & Fire

Information only no motion was made.

12. ELECTION

Police & Fire

Information only no motion was made.

13. FUND INFORMATION

Police & Fire

Information only no motion was made.

14. ADJOURNMENT 9:44 a.m.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M. on or Tuesday April 20th**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

MOTION by Mr. Gurr, seconded by Mr. Kragnes, to adjourn the Police Board Meeting. Motion **CARRIED** unanimously.

MOTION by Mr. Tamietti, seconded by Mr. Delfs, to adjourn the Fire Board Meeting. Motion **CARRIED** unanimously.